

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
ZETA GLOBAL CORP., :
Plaintiff :
: 20 Civ. 3951 (LGS)
-against- :
: ORDER
MAROPOST MARKETING CLOUD, INC., :
Defendant. :
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LORNA G. SCHOFIELD, District Judge:

WHEREAS, the initial pretrial conference in this matter is scheduled for August 27, 2020;

WHEREAS, Defendant intends to move to dismiss Counts I, II and III of Plaintiff's Complaint (the "non-patent claims") pursuant to the doctrine of forum non conveniens, as described in the parties' joint status letter at Dkt. No. 19. It is hereby

ORDERED that the August 27, 2020, initial pretrial conference is **cancelled**. If the parties believe that a conference would nevertheless be useful, they should inform the Court immediately so the conference can be reinstated. The case management plan for the patent infringement claims set forth in Counts IV, V and VI of the Complaint will issue in a separate order. It is further

ORDERED that the requirement that Defendant file a pre-motion letter in anticipation of its motion to dismiss the non-patent claims is hereby **waived**. Defendant is reminded that its deadline to answer or otherwise respond to the Complaint is October 2, 2020, per the Order at Dkt. No. 15. The briefing schedule for Defendant's motion to dismiss the non-patent claims will be governed by Local Civil Rule 6.1. The parties shall comply with the Individual Rules and the Emergency Individual Rules with respect to exhibits, page limits and courtesy copies. It is further

ORDERED that discovery on the non-patent claims is stayed until resolution of

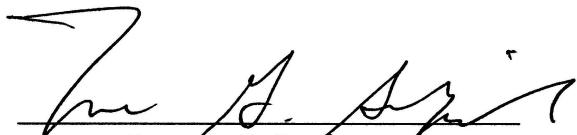
Defendant's motion to dismiss those claims. "On a showing of good cause, a district court 'has considerable discretion to stay discovery' pursuant to Federal Rule of Civil Procedure 26(c)."

Kirschner as Tr. of Millennium Lender Claim Tr. v. J.P. Morgan Chase Bank, N.A., No. 17 Civ. 6334, 2020 WL 4671577, at *2 (S.D.N.Y. Aug. 12, 2020) (quoting Fed. R. Civ. P. 26(c)).

"Federal Rule of Civil Procedure 26(d) also allows the Court to control the sequence and timing of discovery." *Roper v. City of New York*, 15 Civ. 8899, 2017 WL 462270, at *1 (S.D.N.Y. Jan. 25, 2017). Here, Defendant's proposed motion to dismiss the non-patent claims appears to have substantial grounds, and there is little prejudice to Plaintiff where discovery will proceed on the patent infringement claims.

The parties should be aware that the Court does not extend the deadlines for discovery absent compelling circumstances.

Dated: August 25, 2020
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE